

REMARKS

With this amendment the only independent claim, claim 1, has been amended. Claims 1-11 and 13 are pending. The rejections as they may apply to the claims presented herein are respectfully traversed.

The Rejection.

The last rejection was solely an obviousness rejection. It was a non-final rejection which asserted that the then pending claims were obvious in view of Hasu (6,041,410), Flick (6,140,939 and Waraksa (5,412,379). The rejection of dependent claim 3 added Nicholls (for the teaching of an electroluminescent fingerprint sensor), the rejection of dependent claim 4 added Toyoda (for the teaching of charged coupled devices or CCDs), and the rejection of claim 6 added Fitzgibbon (5,751,224 for the teaching of a wall controller).

The Problem.

In the past, wireless security systems were vulnerable to code grabbers which would read and store codes from a transmitter being used to gain access to a secured area. Because of that problem, rolling code which changes the access code with each use of that code to gain access to a secured area has been used to defeat code grabbing. Transmitters using rolling code, however, can be lost or stolen. This also compromises security.

The Claims Are Non-Obvious In View Of The Applied Art And The New Art In The New IDS.

Applicant has become aware of additional prior art and cites the art of which he is aware with the Information Disclosure Statement which is filed with this amendment.

Except for the United States Patent No. 6,111,977 to Scott et al., all of the references which have been applied or which are newly cited in the new IDS describe a complete reliance on the use of a signal representative of finger print data for entry into a secured area. The prior art thought this form of entry was invulnerable. Hey, unless you cut off a finger, the bad guy does not get in. But that is not true and the art did not recognize this. Code grabbers can get signals representative of finger prints just like any other non-rolling code door opener. In effect the bad guys cut off a finger

true and the art did not recognize this. Code grabbers can get signals representative of finger prints just like any other non-rolling code door opener. In effect the bad guys cut of a finger electronically with a code grabber to obtain the code representative of finger print data. This compromises the security of the system. In this aspect, finger print access control is no better than any other non-rolling code GDO. The system of the instant application recognizes the problem that if lost to a bad guy, the bad guy can use YOUR rolling code transmitter to get into the house or garage.

The prior art does not suggest combining a system that combines the use of signals representative of finger print data to guard against the loss or theft of the transmitter and the use of rolling code to defeat code grabbers, as claimed.

The '977 Patent To Scott et al.

The '977 patent to Scott et al. describes the use of finger print data to gain access to a secured area, but also uses an alpha numeric key pad 24 to gain access to a secured area for a password to turn on the transmitter. This too is subject to code grabbing. It does not suggest the combination of rolling code to defeat code grabbing with the enhance security of using finger print data to protect the transmitter from being used after a loss or theft.

Conclusion.

None of the references alone or in combination teach or suggest a system that determines the acceptance of both a user fingerprint and a rolling code. Since elements of claim 1 are not taught or suggested by the prior art, it is believed claim 1 is allowable for this reason.

The Examiner has stated that "Waraksa teaches a rolling code used to mix up the id or unlocking code of the portable device to prevent cloning and unauthorized access. Therefore, it would have been obvious... to have mixed a rolling code with the Hsu-Flick transmission since this would aid in preventing unauthorized access." That is not true, the art teaches it thought finger print data for security is invulnerable. The only exception is Scott which does not use rolling code and which also is subject to code grabbing. To say the art suggests the combination of the use of finger print data and

The Commissioner is hereby authorized to charge any additional fees which may be required in this Application to Deposit Account No. 06-1135.

Respectfully requested,
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